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10 | Attorneys for Defendants



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**JOINT STIPULATION TO EXTEND DEFENDANTS' TIME TO ANSWER PLAINTIFF'S AMENDED
COMPLAINT**
Case No. C 3:10-3910-MEJ

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2 The parties, *pro se* Plaintiff Bernardo Mendoza (“Mendoza”), and Defendants, through their
3 counsel Lana L. Vahab, hereby agree and stipulate as follows:

- 4 1. Mendoza filed this Complaint on August 31, 2010. (ECF No. 1.)
5 2. On May 9, 2011, Defendants filed their Motion to Dismiss, with a noticed hearing
6 date of August 11, 2011. (ECF No. 20.)
7 3. On July 28, 2011, Mendoza filed a “Request to File an Amended Complaint.” (ECF No.
8 25.)
9 4. On July 29, 2011, the Court granted Mendoza’s Request and allowed him until August
10 11, 2011, to file an amended complaint. (ECF No. 27.) The Court also ordered Defendants to
11 respond to Mendoza’s amended complaint twenty days after its filing. (*Id.*)
12 5. On August 11, 2011, Mendoza filed his Amended Complaint. (ECF No. 28.) The
13 Amended Complaint adds a number of new factual allegations, and also add ICE Agent Ching
14 Chang as Defendant. (*Id.*) Furthermore, the Amended Complaint adds *Bivens* claims against
15 ICE Agents Chang and Garcia.¹
16 6. Per the Court’s Order (ECF No. 27), Defendants’ response to Mendoza’s Amended
17 Complaint is currently due on August 31, 2011.
18 7. On August 26, 2011, upon verifying that Mendoza had failed to personally serve
19 Defendants Chang and Garcia,² Defendants notified Mendoza of this deficiency via e-mail.
20 Defendants also directed Mendoza to Federal Rule of Civil Procedure 4(i)(3), and explained to
21 him his obligation to comply with the rules of service.

22
23 ¹ Mendoza had previously named John Garcia as a Defendant in his original Complaint.
24 However, Mendoza did not bring any *Bivens* (*Bivens v. Six Unknown Named Agents*, 403 U.S. 388
25 (1971)) claims against Garcia in the original Complaint. The Amended Complaint contains *Bivens*
claims against both Chang and Garcia. (*See* ECF No. 28.)

26 ² Plaintiff Mendoza notes that the Court has not yet issued a summons specific to Defendant
27 Chang and asks the Court to do so as soon as possible so that he may serve Defendant Chang
28 pursuant to Rule 4(i)(3) of the Federal Rules of Civil Procedure.

1 8. The parties have therefore agreed and now jointly stipulate to allow Mendoza three
2 more weeks to comply with the service requirements under Federal Rule of Civil Procedure
3 4(i)(3). The parties have also agreed to allow Defendants two more weeks after this date to
4 respond to the Amended Complaint.

5 9. The parties therefore agree and stipulate that Mendoza shall have until **September 21,**
6 **2011**, to serve Defendants Garcia and Chang in accordance with Federal Rule of Civil Procedure
7 4(i)(3). Defendants, in turn, will have until **October 5, 2011**, to file a response to Mendoza's
8 Amended Complaint.

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10 DATED: August 30, 2011

Respectfully submitted,

11 TONY WEST
12 Assistant Attorney General, Civil Division

13 DAVID J. KLINE
14 Director, Office of Immigration Litigation, District
Court Section

15 J. MAX WEINTRAUB
16 Senior Litigation Counsel

17 By: /s/
18 LANA L. VAHAB
19 Trial Attorney
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Attorneys for Defendants

24 /s/
25 Bernardo Mendoza
26 P.O. Box 28032
27 Oakland, CA 94604

28 *Pro se Plaintiff*

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3 **CERTIFICATE OF SERVICE**

4 I certify that on August 30, 2011, I electronically filed the foregoing JOINT
5 STIPULATION TO EXTEND DEFENDANTS' TIME TO ANSWER PLAINTIFF'S
6 AMENDED COMPLAINT with the Clerk of Court. I also caused a copies of the foregoing to be
7 served upon Plaintiff, Bernardo Mendoza by placing them in an envelope which was subsequently
8 sealed and forwarded to the mail room of the United States Department of Justice for the
9 addition of the correct amount of first-class postage and same-day delivery to a United States
10 Post Office in Washington, D.C. The envelope was addressed as follows:

11
12 Bernardo Mendoza
13 P.O. Box 28032
14 Oakland, CA 94604

15 /s/ Lana L. Vahab
16 LANA L. VAHAB
17 Trial Attorney

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